

Applicant: Richard B. Himmelstein
Application No.: 10/705,674

REMARKS

Claims 22-52 and 54-57 are pending in this application. The undersigned notes that the claims have been renumbered as the Examiner renumbered them in the Office Action, page 2.

Claims 22-24, 30-32, 37-38, 45-47, and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,199,045 to Giniger et al. (hereinafter "Giniger") in view of U.S. Patent No. 6,177,873 to Cragun (hereinafter "Cragun").

Claims 25 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giniger in view of Cragun and further in view of U.S. Patent No. 6,018,699 to Baron et al. (hereinafter "Baron"). Claims 28 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giniger in view of Cragun and further in view of U.S. Patent No. 5,170,499 to Grothause. Claims 29, 36, 44, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giniger in view of Cragun and further in view of U.S. Patent No. 5,389,824 to Moroto. Claims 38 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giniger in view of Cragun and further in view of U.S. Patent No. 5,420,794 to James.

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Claims 53 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Giniger in view of Baron.

Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,060,995 to Wicks et al. (hereinafter "Wicks") in view of U.S. Patent No. 6,052,598 to Rudrapatna et al. (hereinafter "Rudrapatna") and further in view of U.S. Patent No. 5,982,281 to Layson, Jr.

Claims 55 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wicks in view of Rudrapatna.

Claims 56 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Wicks.

By the foregoing amendments, Applicant has amended claim 22 to locate the mobile unit in a vehicle and to include an identifier for the mobile unit. These amendments are supported by the specification and more clearly distinguish claim 22 over the cited references. Claim 53 has been canceled without prejudice. New claim 57 has been added to provide additional detail regarding the identifier.

Giniger discloses a method in which the position of a mobile unit is determined and position-related information is delivered to the mobile unit (column 5, lines 3-5). The position information of the mobile unit is sent to a server, is stored at the server, and the server locates information to send to the mobile unit based on its position (column 7, lines 54-65 and column 12, lines 12-14, 20-24, and 32-37).

While Giniger mentions “user preferences” in the abstract as noted by the Examiner, there is no further explanation of this concept in Giniger. Based on Figure 2 and column 8, lines 60-65, Giniger discloses different types of information that could be sent to a user, but there is no suggestion that these information types are “priority levels” as recited in claim 22. In regard to an advisory or emergency communication (as recited in pending claims 30, 37, 45, and 52), Giniger does not provide the user of the mobile unit with information regarding an emergency, but rather assists in locating the mobile unit when in an emergency situation (column 20, lines 38-53).

Cragun relates to an apparatus and method in which a user selects one or more areas of interest (column 4, lines 50-54), sets an alert/urgency level (column 5, lines 33-39), and sets a type of information to be received (column 5, line 62 to column 6, line 10). When a weather alert message matches the area of interest, the urgency level, and the information type, the user is informed of the message via the apparatus.

The Examiner argues that Cragun teaches that the apparatus “sends alerts to a user based on their location” (Office Action, page 3). Cragun explicitly teaches that the areas of interest are set manually via thumbwheel switch sets 160, 162, 164 at the apparatus 130 (column 4, lines 50-54) and that the areas of interest relate to predetermined geographic areas identified by the National Weather

Service (column 5, lines 1-4). Even if a user of the apparatus of Cragun were to move it to different locations, the messages received would not relate to the present location of the apparatus unless the user manually enters the code for the area of interest. Therefore, it is clear that the apparatus of Cragun does not locate the position of the mobile unit.

Based on these arguments, independent claims 22, 30, 37, 45, and 52 are distinguishable over Giniger and Cragun.

Wicks discloses a pager to distribute nightlife information to a user. The user creates a profile which is stored on a server, and the profile is used to filter information to be sent to the user (column 4, lines 6-13 and 25-32). The user's location is determined and relevant information based on the user's location and the user profile is sent to the user (column 5, line 60 to column 6, line 2).

Rudrapatna relates to a method using signal strength estimates from multiple base stations to estimate the direction and speed of travel of a mobile station (abstract). This information is used to determine a likely handover candidate (column 5, lines 1-12).

In regard to claims 54 and 55, there is no motivation to combine the teachings of Wicks and Rudrapatna. In particular, since paging networks do not perform handover for the pagers (i.e., pagers do not guarantee delivery of the message), there would be no motivation to provide the pager of Wicks with the

handover determination made by Rudrapatna. Therefore, claims 54 and 55 are distinguishable over Wicks and Rudrapatna.

In regard to claim 56, Wicks discloses storing a user's profile in a profile database 44 located in the paging system 10 (Figure 3 and column 4, lines 6-13). This teaching is directly opposite to claim 56, which recites that the mobile unit includes profile data that characterizes the user. Therefore, claim 56 is distinguishable over Wicks.

Because the independent claims (i.e., claims 22, 30, 37, 45, 52, and 54-56) are distinguishable over the cited references, the dependent claims (i.e., claims 23-29, 31-36, 38-44, 46-51, and 57) are also distinguishable over the cited references without the need for further discussion.


It is respectfully submitted that the amendments and remarks made herein place pending claims 22-52 and 54-57 in condition for allowance. Accordingly, entry of this amendment as well as reconsideration and allowance of pending claims 22-52 and 54-57 are respectfully requested.

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If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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